

REMARKS

Applicants have added new claims 34-39, such that claims 1-39 remain pending in this application. Support for new claims 34-39 can be found in the Applicants' specification including, for example, on pages 16-17 and 26-27.

During a recent telephone conversation with the Examiner, the Examiner indicated that claim 33 has been withdrawn as being part of non-elected Group I.

In the Office Action dated August 23, 2005, the Examiner rejected claims 17-19 and 25-27 under 35 U.S.C. § 102(b) as being anticipated by Call (U.S. Patent No. 5,913,210). Applicants respectfully traverse the rejection for the following reasons.

Independent claim 17 recites, among other things, "enabling assignment of at least first and second addresses to the module, such that when the module is called in the supplier's website by the first address, the first and third sets of information are caused to be incorporated into the supplier's web site while the second set of information is prevented from being incorporated into the supplier's website, and when the module is called in the reseller's web site by the second address, the second and third sets of information are caused to be incorporated into the reseller's website while the first set of information is prevented from being incorporated into the reseller's website."

Call is directed to a system for enabling retrieval of information about products from the source of the products, the manufacturer, by resellers and consumers. (Col. 2: 32-37). The system uses a product code translator that stores cross-references between product codes and Internet addresses. (Col. 2: 48-50). The product code translator includes a registration handler that accepts cross-references submitted by

manufacturers which relate their assigned universal product codes to associated Internet addresses where information relating to their products can be obtained (Col. 3: 48-52). The product code translator also includes a query handler that accepts queries via the Internet, where each query includes all or part of a universal product code, and it returns the Internet addresses which can be used to obtain information about the products identified by the codes. (Col. 3: 53-58).

The Examiner alleges on page 2 of the Office Action that the “product code translator 101 is the common module, which is used by and available for the manufacturers’ Internet sides . . . and online resellers.” The Examiner further alleges that “similar password, certificate or digital signature protection schemas may be used to provide access to certain data (sets of information) or to date in certain forms only to authorized requesters (sets of related addresses).” (OA, page 2). Applicants disagree with the above allegations.

The certificates in the Call system, have no relation to providing information about the products in response to a user query. The registration handler process, in order to insure that a registrant has the authority to create and alter cross-referenced information being provided, uses a database of certificates to accept only authorized user certificates. (Col. 4:34-64). When a query is received by the product code translator, “a table lookup function is performed by searching [a] cross-reference table . . . [and] if matching rows are found, the IP-addresses found . . . are returned to the query submitter.” (Col. 6:53-60). Therefore, the product code translator is never called with any “address” as recited in claim 17, and moreover, Call returns IP addresses in response to a query to the product code translator, not information to be incorporated

into a supplier or reseller website. As such Call does not teach or suggest at least “enabling assignment of at least first and second addresses to the module, such that when the module is called in the supplier’s website by the first address, the first and third sets of information are caused to be incorporated into the supplier’s web site while the second set of information is prevented from being incorporated into the supplier’s website, and when the module is called in the reseller’s web site by the second address, the second and third sets of information are caused to be incorporated into the reseller’s website while the first set of information is prevented from being incorporated into the reseller’s website,” as recited in claim 17. Therefore, claim 17 is not anticipated by Call, and the rejection under 35 U.S.C. § 102(b) should be withdrawn.

Claims 25-27, although different in scope, include recitations similar to those found in claim 17. For reasons similar to those given above with respect to claim 17, claims 25-27 are not anticipated by Call, and the rejection of those claims under 35 U.S.C. § 102(b) should be withdrawn.

Furthermore, Applicants submit that the claim rejections should be withdrawn because nothing supports the Examiner’s assertion that “online supplier and resellers inherently have payment engine functions” (OA, page 2). The fact that a certain result or characteristic may occur or be present in the prior art is not sufficient to establish the inherency of that result or characteristic. *In re Rijckaert*, 9 F.3d 1531, 1534, 28 USPQ2d 1955, 1957 (Fed. Cir. 1993). “In relying upon the theory of inherency, the examiner must provide a basis in fact and/or technical reasoning to reasonably support the determination that the allegedly inherent characteristic necessarily flows from the

teachings of the applied prior art." *Ex parte Levy*, 17 USPQ2d 1461, 1464 (Bd. Pat. App. & Inter. 1990). .

In addition, Applicants submit that dependent claims 18-19 and 34-39 are neither anticipated nor rendered obvious in view of Call at least by virtue of their dependence from allowable independent claims 17, 25, and 27.

Applicants, therefore, request the reconsideration of the application and the timely allowance of the pending claims.

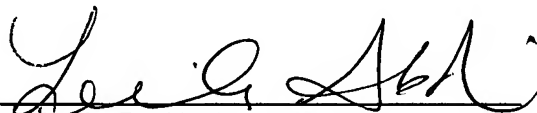
Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: November 1, 2005

By:


Leila R. Abdi
Reg. No. 52,399